



LOS ANGELES CITY EMPLOYEE RELATIONS BOARD

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R. Douglas Collins
Chairman

Anthony Miller
Vice Chairman

Christopher Ruiz Cameron

Rosalinda Lugo

Rhonda L. Hilyer

Robert R. Bergeson
Executive Director

MINUTES OF MEETING AMENDED

Monday, July 28, 2014

9:30 A.M.

BOARD MEMBERS PRESENT: **R. Douglas Collins, Chairman**
 Anthony Miller, Vice Chairman
 Christopher Ruiz Cameron
 Rosalinda Lugo
 Rhonda L. Hilyer

Chairman Collins called the meeting to order at 9:32 a.m.

1. Consideration of minutes of the Board meeting of June 23, 2014.

Member Cameron moved to approve the minutes of June 23, 2014 with amendment to Item 6e, noting for the record that he recused himself. Seconded by Member Hilyer.

Motion carried unanimously.

2. Executive Director's report:

a) New unfair employee relations practice claims filed.

Executive Director Bergeson informed the Board that since its June meeting two new unfair employee relations practice claims had been received: UERP 1963, filed by individual employee Chuck Masibay-Melling against the Department of Public Works alleging interference, discrimination and retaliation for protected activity (under investigation) and UERP 1964, filed by individual employee Patrick Hilton against IBEW, Local 18 alleging discrimination (under investigation).

Also, a decertification petition was filed by Engineers and Architects Association for the GSD Police Officers bargaining unit.

b) Status of impasses.

Executive Director Bergeson advised the Board that there were no new requests for imposition of impasse procedures.



c) Administrative matters, if any.

Mr. Bergeson announced that effective September 23, 2014, Chairman Collins' term ends and that he will be up for reappointment. He noted that the previous selection process was rescinded by the Mayor so the Labor Committee on Employee Relations was not convened this year.

3. Consideration of requests to withdraw various matters, if any.

Executive Director Bergeson stated that the Board had received no requests for withdrawal.

4. Consideration of re-draft of interim order regarding timeliness of UERPs 1898-1904 filed by the Coalition of L.A. City of Unions against the City of Los Angeles (creation of LACERs Tier II).

The following individuals were present on this matter: Attorney Ellen Greenstone, on behalf of the Coalition of L.A. City Unions; Deputy City Attorney Jennifer Handzlik, on behalf of the City of Los Angeles.

When asked by Chairman Collins if either party had anything further to add, both Attorneys Greenstone and Handzlik responded that they had nothing further to add to their comments sent via email. They asked if the Board had any questions and there were none.

Member Cameron moved to approve the draft order. Seconded by Member Hilyer.

Motion carried unanimously.

5. Consideration of Hearing Officer's Supplementary Report on the Merits in the matter of UERPs 1898-1904, filed by the Coalition of Los Angeles City Unions against the City of Los Angeles alleging an unlawful unilateral change regarding creation of a new LACERS tier. Exceptions to the Hearing Officer's Second Supplemental Report on Remand filed by Respondent and Request for Official Notice in Support of Exceptions to Hearing Officer's Second Supplemental Report on Remand filed by Respondent. Rebuttal to Exceptions filed by Claimant.

A member of the public requested to speak on Item 5, however Chairman Collins informed the audience that it is inappropriate to open discussion to a non-party to speak on the matter. The Public Comments section of the agenda is the appropriate time for that, said Mr. Collins.

The following individuals were present on this matter: Attorney Ellen Greenstone, on behalf of the Coalition of L.A. City Unions; Deputy City Attorney Jennifer Handzlik, on behalf of the City of Los Angeles.

When asked by Chairman Collins if either party had anything further to add, both Attorneys Greenstone and Handzlik responded that they had nothing further to add. Member Hilyer asked if the parties had any interest to mediate the matter; they did not.

Member Cameron moved to adopt the hearing officer's supplemental report. Seconded by Member Miller.

Motion carried unanimously.

6. Consideration of further processing of Unfair Employee Relations Practice Claims:

- a) UERP 1930, filed by UFLAC, Local 112 against LAFD alleging an unlawful unilateral change to the past practice of how employees are compensated for needing to remain on duty until relief arrives, continued from the Board meeting of April 28, 2014.**

Chairman Collins announced that the parties requested of the executive director to continue this matter another month.

- b) UERP 1950, filed by L.A. Airport Peace Officers Association against L.A. World Airports alleging failure to meet and confer in good faith over a successor MOU to that which expired in 2010, continued from the Board meeting of June 23, 2014.**

The following individuals were present on this matter: Attorney Chris Gaspard, on behalf of Los Angeles Airport Peace Officers' Association; Deputy City Attorney Christina Checél, on behalf of LAWA.

Attorney Gaspard apologized for the confusion created by his absence from the Board's June meeting. Mr. Gaspard stated that the parties met and resolved an issue but many remain outstanding and requested the matter be sent to hearing.

Attorney Checél stated that the department's position differs from that of the union and she indicated that LAWA is willing to mediate.

After some discussion, Member Cameron moved to send the matter to hearing. Seconded by Member Hilyer. Chairman Collins informed the parties that they are authorized to utilize the state mediation service to attempt to resolve this matter prior to it being heard by a hearing officer.

Member Cameron moved to. Seconded by Member Miller.

Motion carried unanimously.

- c) UERP 1951, filed by IBEW, Local 18 against LA Department of Water and Power alleging failure to meet and confer in good faith regarding the selection of management representatives to the Joint Training Institute (JSI) and Joint Safety Institute (JTI) boards of trustees, continued from the Board meeting of June 23, 2014.**

Noted for the record - Member Cameron recused himself on the following item

Chairman Collins stated the parties requested of the executive director to continue this matter another month.

d) UERP 1952, filed by individual employee Michael T. Piatt against the Board of Public Works alleging interference with his ERO rights through failure to process grievances in accordance with MOU provisions.

The following individuals were present on this matter: Individual employee Michael T. Piatt, on his own behalf; and Sr. Personnel Analyst James Schiffhauer, on behalf of the Department of Public Works/Bureau of Contract Administration.

Mr. Piatt adamantly opposed the department's written response stating that the department had not been in compliance with the ERO and that Board of Public Works violated the ERO by failing to ensure that the department inform the union of the actual issues raised at the informal discussion, Mr. Piatt then requested this matter be sent to hearing.

Member Collins cited from the MOU provision provided in the department's response that the "immediate supervisor shall inform the departments personnel office and the personnel director shall inform the union of the grievance."

Mr. Schiffhauer agreed and responded that as stated in the MOU the department is standing by its report.

Member Cameron moved to dismiss UERP 1952. Seconded by Member Miller.

Motion carried unanimously.

e) UERP 1962, filed by AFSCME, Local 3090 against L.A. World Airports alleging an unlawful unilateral change to working hours of Airport Guides.

The following individuals were present on this matter: Attorney Ellen Greenstone and AFSCME, Local 3090 President Alice Goff, on behalf of AFSCME, Local 3090; Sr. Personnel Analyst Roberta Beyard and Attorney Kristen Nesbit, on behalf of L.A. World Airports.

Attorney Greenstone requested that this matter be continued.

Attorney Nesbit in not opposed that this matter be continued, however based on the facts requested this matter be dismissed.

After some discussion Chairman Collins suggested the parties meet on the stipulation of facts and continue this matter for one month in order for the parties to meet and the Board took no further action.

Member Miller moved to continue this matter to Board's August meeting. Seconded by Member Cameron.

Motion carried unanimously.

- 7. Public comments on matters within the Board's jurisdiction. After action on routine and other matters, a maximum of ten minutes will be provided for members of the public to address the Board on items of interest to the public that are within the jurisdiction of the Board. Said ten minutes shall be equally divided among speakers, not to exceed five minutes for one speaker.**

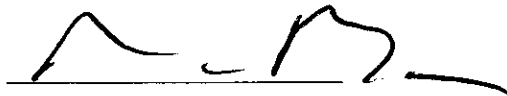
Mr. Mariscal commented on Item 5 agreeing with the Board's approval of the hearing officer's recommendation and finding that the item was a meet and confer issue and suggested posting the decisions and updating the ERB website to include all Board decisions and orders of cease and desist.

There were no further public comments.

Member Cameron moved to adjourn the meeting. Seconded by Member Lugo.

Motion carried unanimously.

MEETING ADJOURNED AT: 10:14 A.M.

A handwritten signature in black ink, appearing to read 'R. Bergeson', written over a horizontal line.

ROBERT R. BERGESON
Executive Director

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